

REMARKS

In the Office Action, the Examiner rejected claims 1-5 and 7-37 and indicated that claim 6 contained allowable subject matter. By the present Response, Applicants have canceled claims 4, 6, 22, and 28 and amended claims 1, 13, 21, 23, 31, and 36 to expedite allowance of the present application. Applicants have also amended claims 5 and 18 to correct formal issues. These amendments do not add any new matter. Upon entry of these amendments, claims 1-3, 5, 7-21, 23-27, and 29-39 will remain under examination in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-5 and 7-37 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (hereinafter referred to as "the APA") in view of Challener, U.S. Patent No. 7,095,859 (hereinafter referred to as "the Challener reference") in view of Williams, U.S. Patent No. 5,559,883 (hereinafter referred to as "the Williams reference"). Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the

references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). In establishing a *prima facie* case for obviousness, “the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1729 (2007).

Deficiencies of the Rejection

Applicants note that each independent claim of the present application has been amended to incorporate subject matter previously recited by claim 6, which the Examiner indicated as being allowable. Specifically, amended independent claims 1, 13, 21, 23, 31, and 36 each generally recite that the measurement of a computer obtained by a controlling security module is subsequently copied into a subordinate security module. As acknowledged by the Examiner, “the cited art fails to teach or suggest the act of copying the measurement of the system into the subordinate security module.” Office Action, page 8. (Emphasis added). Therefore, Applicants respectfully traverse the Examiner’s Section 103 rejection of claims 1-5 and 7-37 on the grounds that the APA, the Challenger, and the Williams references, alone or in combination, fail to disclose *all* the recited elements of the pending claims. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of independent claims 1, 13, 21, 23, 31, and 36, as well as all claims depending therefrom.

Allowable Subject Matter

In the Office Action, the Examiner objected to claim 6 as being dependent upon a rejected base claim, but stated that claim 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See* Office Action, page 8. Applicants would like to thank the Examiner for indicating the potential allowability of this claim.

As noted above, the Examiner offered the following statement of reasons for allowance of claim 6:

The cited art fails to teach or suggest the act of copying the measurement of the system into the subordinate security module. As a result, the cited prior art fails to anticipate or render obvious the above cited claim.

Office Action, page 8. Although Applicants agree with the Examiner's statement to the extent that the cited references fail to disclose the features recited by claim 6, Applicants believe that all pending claims, as originally presented, are allowable over the cited references for additional reasons and, therefore, do not necessarily agree that the Examiner's rejections were proper. Nevertheless, Applicants have amended the pending claims, as discussed above, in order to place the present application in condition for allowance. In particular, as noted above, independent claims 1, 13, 21, 23, 31, and 36 have been amended to include the subject matter of allowable claim 6. It will be appreciated, however, that in making these amendments, Applicants reserve the right to continue prosecution of the original claims in a continuation application.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that all pending claims are now in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: January 22, 2008



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